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Assistant Commissioner for Patents
Washington, D.C. 20231

PATENT
Attorney Docket No.: 015280-212210US
DHHS Ref. No. E-454-86/6

On March 1, 2002

TOWNSEND and TOWNSEND and CREW LLP

By: Patricia Andrews
Patricia Andrews

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

SALAHUDDIN, Syed Z. et al.

Application for Reissue of U.S. Patent
No.: 6,054,283 granted April 25, 2000

Filed: December 23, 1996

For: ANTIBODIES AGAINST HUMAN
HERPESVIRUS-6 (HHV-6) AND
METHOD OF USE

Art Unit: Not yet assigned

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced application, please enter the following amendments and remarks.

IN THE SPECIFICATION:

This is a division of application Ser. No. 08/392,674, filed February 22, 1995 (Now U.S. Pat. No. 5, 604,093), which was a continuation of Ser. No. 07/754,220, filed August 27, 1991 (now abandoned), which was a continuation of SER. No. 07/255,712, filed October 11, 1988 (now abandoned), which was a CIP of Ser. No. 07/228,550, filed August 4, 1998 (now abandoned), which was a CIP of Ser. No.

06/901,602, filed August 29, 1986 (now abandoned), which was a CIP of SER. No. 06/892,423, filed August 4, 1986 (now abandoned). Ser. No. 07/228,550, filed August 4, 1998 (now abandoned) was also a CIP of SER. No. 06/895,857, filed August 12, 1986 (now abandoned); and a CIP of SER. No. 06/895,463, filed August 11, 1986 (now abandoned), the disclosures of which are herein incorporated by reference.

IN THE CLAIMS:

Please cancel claim 3. Please add the following new claims.

4. (New) A method of detecting an antibody that specifically binds an isolated human herpes virus (ATCC No. 40,247) in a biological sample, said method comprising the steps of:

(a) contacting the biological sample with a human herpes virus antigen , under conditions such that the antibody will specifically bind to the human herpes virus antigen; whereby a complex is formed of antibody and human herpes virus antigen; and

(b) detecting the presence or the absence of the complex.

5. (New) The method of claim 4, wherein the biological sample is serum.

6. (New) The method of claim 4, wherein the biological sample is from a patient.

7. (New) The method of claim 4, wherein said method comprises an immunofluorescence assay.

8. (New) The method of claim 4, wherein said method comprises an ELISA.

9. (New) The method of claim 4, wherein the antigen is immobilized on a solid surface before the step of contacting.

10. (New) The method of claim 9, wherein the antigen is immobilized onto nitrocellulose.
11. (New) The method of claim 10, wherein said method comprises a Western blot.
12. (New) The method of claim 4, wherein the human herpes virus is present on an intact herpes virion.


REMARKS

The specification has been amended to correct a failure to claim priority under 35 U.S.C. § 120 to an earlier filed copending U.S. Patent application. Issued claims 1-3, and newly added claims 4-12 are pending.

New claims 4-12 are supported by the specification of U.S. Patent No. 6,054,283 at column 5, lines 23-26, column 6, lines 17-53, column 9, lines 1-5, column 10, lines 59-67, and column 13, lines 3-6. In addition, new claims 4-12 find support in the parent application, Ser No. 06/895,463, filed August 11, 1986.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Kevin L. Bastian
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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE SPECIFICATION

This is a division of application Ser. No. 08/392,674, filed February 22, 1995 (Now U.S. Pat. No. 5, 604,093), which was a continuation of Ser. No. 07/754,220, filed August 27, 1991 (now abandoned), which was a continuation of SER. No. 07/255,712, filed October 11, 1988 (now abandoned), which was a CIP of Ser. No. 07/228,550, filed August 4, 1998 (now abandoned), which was a CIP of Ser. No. 06/901,602, filed August 29, 1986 (now abandoned), which was a CIP of SER. No. 06/892,423, filed August 4, 1986 (now abandoned), [which was the a CIP of SER. No. 06/895,857, filed August 12, 1986 (now abandoned), which was a CIP of SER. No. 06/895,463, filed August 11, 1986,] the disclosures [disclosure] of which are [is] herein incorporated by reference. Ser. No. 07/228,550, filed August 4, 1998 (now abandoned) was also a CIP of SER. No. 06/895,857, filed August 12, 1986 (now abandoned); and a CIP of SER. No. 06/895,463, filed August 11, 1986 (now abandoned), the disclosures of which are herein incorporated by reference.

IN THE CLAIMS

[3. The method of claim 2, wherein said method comprises a western blot.]

4. (New) A method of detecting an antibody that specifically binds an isolated human herpes virus (ATCC No. 40,247) in a biological sample, said method comprising the steps of:

- (a) contacting the biological sample with a human herpes virus antigen, under conditions such that the antibody will specifically bind to the human herpes virus antigen; whereby a complex is formed of antibody and human herpes virus antigen; and
- (b) detecting the presence or the absence of the complex.

5. (New) The method of claim 4, wherein the biological sample is serum.
6. (New) The method of claim 4, wherein the biological sample is from a patient.
7. (New) The method of claim 4, wherein said method comprises an immunofluorescence assay.
8. (New) The method of claim 4, wherein said method comprises an ELISA.
9. (New) The method of claim 4, wherein the antigen is immobilized on a solid surface before the step of contacting.
10. (New) The method of claim 9, wherein the antigen is immobilized onto nitrocellulose.
11. (New) The method of claim 10, wherein said method comprises a Western blot.
12. (New) The method of claim 4, wherein the human herpes virus is present on an intact herpes virion.

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STATEMENT OF STATUS/SUPPORT
FOR ALL CHANGES TO THE CLAIMS
UNDER 37 C.F.R. § 1.173(c)

Box Reissue
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

STATUS OF THE CLAIMS

Claims 1-12 are pending. Claim 3 has been canceled. New claims 4-12 have been added

1. (Pending: 3/1/2002) An isolated antibody which specifically binds to an antigenic molecule from an isolated human herpes virus having the morphology of a human herpes virus and a double-stranded DNA genome of about 170 Kb, wherein genomic DNA from said isolated human herpes virus hybridizes under stringent conditions with nucleic acid of molecular clone ZVH14 (ATCC Accession No. 40,247);

and further wherein said first nucleic acid does not hybridize under stringent conditions with the nucleic acid of

- (a) Epstein-Barr virus;
- (b) human cytomegalovirus (CMV);
- (c) Herpes Simplex virus (HSV);
- (d) Varicella-Zoster virus (VZV); or
- (e) Herpes virus saimiri.

2. (Pending: 3/1/2002) A method of detecting HHV-6 in a biological sample comprising the steps of:

- (a) contacting the biological sample with the antibody of claim 1, under conditions such that the antibody will specifically bind to a human herpes virus antigenic molecule present in said biological sample whereby a complex is formed of antibody and antigenic molecule; and
- (b) detecting for the presence or absence of the complex.

3. (Cancel: 3/1/2002) The method of claim 2, wherein said method comprises a western blot.

4. (New: Added 3/1/2002) A method of detecting an antibody that specifically binds an isolated human herpes virus (ATCC NO. 40,247) in a biological sample, said method comprising the steps of:

- (a) contacting the biological sample with a human herpes virus antigen, under conditions such that the antibody will specifically bind to the human herpes virus antigen; whereby a complex is formed of antibody and human herpes virus antigen; and
- (b) detecting the presence or the absence of the complex.

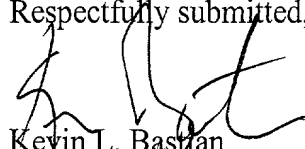
5. (New: Added 3/1/2002) The method of claim 4, wherein the biological sample is serum.

6. (New: Added 3/1/2002) The method of claim 4, wherein the biological sample is from a patient.
7. (New: Added 3/1/2002) The method of claim 4, wherein said method comprises an immunofluorescence assay.
8. (New: Added 3/1/2002) The method of claim 4, wherein said method comprises an ELISA.
9. (New: Added 3/1/2002) The method of claim 4, wherein the antigen is immobilized on a solid surface before the step of contacting.
10. (New: Added 3/1/2002) The method of claim 9, wherein the antigen is immobilized onto nitrocellulose.
11. (New: Added 3/1/2002) The method of claim 10, wherein said method comprises a Western blot.
12. (New: Added 3/1/2002) The method of claim 4, wherein the human herpes virus is present on an intact herpes virion.

SUPPORT FOR THE CLAIMS

New claims 4-12 are supported by the specification of U.S. Patent No. 6,054,283 at column 5, lines 23-26, column 6, lines 17-53, column 9, lines 1-5, column 10, lines 59-67, and column 13, lines 3-6. In addition, new claims 4-12 find support in the parent application, Ser No. 06/895,463, filed August 11, 1986.

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